

REMARKS

Reconsideration of the application in view of the above amendments and the following remarks is requested. Claims 8-21 are in this application. Claims 8, 16, 19, and 20 have been amended. Claims 1-7 have been previously cancelled.

The Examiner rejected claims 19 and 20 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Claim 19 has been amended and is believed to satisfy the requirements of the second paragraph of section 112. With respect to claim 20, applicant disagrees that the claim is indefinite, but has amended claim 20 to clarify the claim and further prosecution. As a result, it is believed that claim 20 satisfies the requirements of the second paragraph of section 112.

The Examiner rejected claims 8-21 under 35 U.S.C. §102(b) as being anticipated by Kim (U.S. Patent No. 5,844,280). For the reasons set forth below, applicant respectfully traverses this rejection.

Claim 8 recites, in part,

"a first contact connected to the first contact region, the first contact having a top surface;

"a second contact connected to the third contact region, the second contact having a top surface; and

"a device region that overlies the semiconductor material between the first and second trigger regions, the device region having a top surface that lies below and contacts a plane that contacts the top surfaces of the first and second contacts, the device region being free of a conductive material."

With respect to the Kim reference, FIG. 3 teaches that a conductive layer 24 is formed over the semiconductor material (read by the Examiner to be substrate 1) between the first and second trigger regions (read by the Examiner to be n+ regions 6a and 6b).

RESPONSE TO
(OFFICE ACTION DATED MAY 28, 2003)

Atty. Docket No. 100-13202
(P04776-C2)

As a result, it is not possible for a "device region" of Kim to be free of a conductive material. Thus, claim 8 is not anticipated by Kim. In addition, claims 9-15 and 21 depend either directly or indirectly from claim 8. As a result, claims 9-15 and 21 are not anticipated by Kim for the same reasons as claim 8.

Claim 16 recites, in part,

"a gap region of the semiconductor material located only between the first and second wells; [and]

"a device region that overlies and contacts the gap region, the device region being free of a gate, and not lying below a gate." [Brackets added.]

In rejecting the claims, the Examiner pointed to wells 2a and 2b shown in FIG. 3 of Kim as constituting the first and second wells of claim 16, and the region of substrate 1 that lies between wells 2a and 2b as constituting the gap region. However, as shown in FIG. 3, the Kim reference teaches that a gate 24 is formed over the gap region.

As a result, it is not possible for a "device region" of Kim to be free of a gate and not lie below a gate. Thus, claim 16 is not anticipated by Kim. In addition, claims 17-20 depend either directly or indirectly from claim 16. As a result, claims 17-20 are not anticipated by Kim for the same reasons as claim 16.

Thus, for the foregoing reasons, it is submitted that all of the claims are in a condition for allowance. Therefore, the Examiner's early re-examination and reconsideration are respectively requested.

Respectfully submitted,

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